

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CONSTANCE WILSON ANDRESEN,	:	CIVIL ACTION NO. 1:20-CV-989
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
COMMONWEALTH OF	:	
PENNSYLVANIA, <i>et al.</i>,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 29th day of March, 2021, upon consideration of the report (Doc. 41) of Magistrate Judge Martin C. Carlson, recommending that the court grant the motion (Doc. 16) to dismiss filed by defendant Gregory A. Jackson and dismiss *pro se* plaintiff Constance Wilson Andresen's complaint against him with leave to amend, and the court noting that Andresen has filed a "reply opposition" to the report, (see Doc. 53), which we construe as an objection, see FED. R. CIV. P. 72(b)(2), and following *de novo* review of the contested portions of the report, see E.E.O.C. v. City of Long Branch, 866 F.3d 93, 99 (3d Cir. 2017) (quoting 28 U.S.C. § 636(b)(1)), and affording "reasoned consideration" to the uncontested portions, id. (quoting Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987)), the court finding Judge Carlson's analysis to be well-reasoned and fully supported by the applicable law, and observing that Andresen's objection effectively concedes as much, in that the objection does not challenge the findings of the report but merely summarizes the

facts to be alleged in the anticipated amended complaint, (see generally Doc. 53),
it is hereby ORDERED that:

1. Magistrate Judge Carlson's report (Doc. 41) is ADOPTED.
2. Jackson's motion (Doc. 16) to dismiss is GRANTED and Andresen's complaint is DISMISSED as to Jackson without prejudice.
3. Andresen is GRANTED leave to amend her complaint in accordance with Judge Carlson's report within 30 days of the date of this order. Any amended pleading filed pursuant to this paragraph shall be filed to the same docket number as the instant action, shall be entitled "First Amended Complaint," and shall be complete in all respects. It shall be a new pleading that stands by itself as an adequate complaint under the Federal Rules of Civil Procedure, without reference to the complaint (Doc. 1) hereinabove dismissed.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner
United States District Judge
Middle District of Pennsylvania